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NEWS REPORT

Country:	Malta
Title:	Act XV of 2017 to regulate cohabitations
Date:	4 July 2017
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<u>Context</u>	
Issue at stake:	The Act is intended to regulate cohabitants by introducing rights and duties depending on the status of the cohabitants. It introduces three different forms of cohabitation, that is, <i>de facto</i> cohabitation, cohabitation by means of a contract between the parties and cohabitation by means of a unilateral declaration.
Ground of discrimination:	Sex,
Source:	Legislation
Field:	Statutory social security

Content

Case/law/policy development: The Act regulates cohabitation by introducing rights and duties depending on the status of the cohabitants. It introduces three different forms of cohabitation; *de facto* cohabitation, cohabitation by means of a contract between the parties and cohabitation by means of a unilateral declaration.

The legislation regulates the status of cohabitants for both those of different sex as well as those of same sex couples in order to protect vulnerable parties in any cohabiting arrangement. A couple in such a situation has rights such as next of kin rights in case of medical care, the right not to testify against each other in court, rights of succession, the right to remain in the couple's common home in the event that one of the partners dies and the right to be entitled to non-contributory social assistance in case the cohabitant is married but does not have their own income, the right to an invalidity pension, the right to a widow's pension, the right to a retirement pension, the right to payment of an age pension, the right to unemployment benefits, the right to maternity benefits and maternity leave.

Key points of analysis: This law is based on the principle of unjustified enrichment. This is the case when one of the partners in the couple stays at home enabling the other partner to work. The law ensures that dependants who cohabit would not be left vulnerable in the case of separation, sickness or death.

Internet link source:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lp&itemid=28387&l=1>